

August 31, 2012

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re:   *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications, WT Docket No. 10-112***

**REQUEST TO WITHDRAW PLEADINGS, PETITIONS & FILINGS**

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Dear Ms. Dortch:

Subject to, and conditioned upon, the Commission's approval in all material respects of the Agreement (as defined below) pursuant to the Joint Request for Approval of Agreement for Resolution of Competing Applications (which is cited in footnote 2 below), Green Flag Wireless, LLC, CWC License Holding, Inc., Corr Investments I, LLC, and James McCotter (collectively, "Green Flag Applicants") hereby withdraw the following applications, pleadings, petitions, and filings listed in the exhibits attached hereto (collectively, "Green Flag Filings") filed by the Green Flag Applicants with respect to the WCS authorizations held by BellSouth Mobile Data, Inc., New Cingular Wireless PCS, LLC, and SBC Telecom, Inc. (together with AT&T Inc. and its other affiliates, "AT&T").

Green Flag Applicants and another competing applicant, Snapline Communications, LLC ("Snapline") (collectively, "Competing Applicants"), have filed mutually exclusive applications against, and have otherwise opposed, the WCS authorization renewal applications filed by AT&T and other WCS licensees.<sup>1</sup> As a result, AT&T and the Competing Applicants have been involved in an ongoing dispute over the

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<sup>1</sup> Competing Applications of Green Flag Wireless, LLC, CWC License Holdings, Inc., James McCotter, & Snapline Communications, LLC, ULS File Nos. 0003113283 et al. (collectively, "Competing Applications").

WCS authorizations. The Competing Applicants and AT&T have entered into an agreement to settle the dispute (“Agreement”) and are filing in this docket and simultaneously herewith a joint request for approval by the Commission of the Agreement.<sup>2</sup> As part of the Agreement, the Green Flag Applicants are to withdraw, effective upon FCC approval of the Agreement, their Competing Applications and various filings related to the WCS authorizations held by AT&T.

Accordingly, upon FCC approval of the Agreement, the Green Flag Applicants do withdraw, with prejudice, the Green Flag Filings identified in the exhibits attached hereto. With respect to the Competing Applications identified in the exhibits, upon FCC approval of the Agreement, the Green Flag Applicants also request that the Commission dismiss those Competing Applications, with prejudice. Exhibit A identifies each Green Flag Filing for which the Green Flag Applicants withdraw the filing in its entirety. Exhibit B lists each Green Flag Filing for which the Green Flag Applicants withdraw the filing only to the extent it relates to WCS authorizations held by AT&T.

The Green Flag Filings identified in the exhibits include the following categories of documents:

- a. all Green Flag Competing Applications for any WCS authorization now held by AT&T;
- b. all Green Flag Filings opposing, challenging, or otherwise objecting to the existing build-out of any WCS authorization now held by AT&T;
- c. all Green Flag Filings opposing, challenging, or otherwise objecting to the Joint Proposal of AT&T and Sirius XM Radio Inc. filed with the FCC on June 15, 2012;<sup>3</sup>
- d. the Green Flag Applicants’ August 6, 2010 Petition for Reconsideration filed with the FCC in WT Docket No. 10-112 to the extent that petition objects to the grant of the renewals of, or otherwise relates to, the WCS authorizations now held by AT&T, their September 2, 2010 Consolidated Reply to Oppositions to Petition for Reconsideration filed with the FCC in WT Docket No. 10-112 to the extent that petition objects to the grant of

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<sup>2</sup> Joint Request for Approval of Agreement for Resolution of Competing Applications filed by Green Flag Wireless, LLC, CWC License Holding, Inc., Corr Investments I, LLC, James McCotter, Snapline Communications, LLC, and AT&T Inc. (filed August 31, 2012).

<sup>3</sup> *See Amendment of Part 27 of the Commission’s Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band*, WT Dkt. No. 07-293, Written *Ex Parte* Presentation of AT&T Inc. and Sirius XM Radio Inc. - Joint Submission with Proposals That Resolve Open Issues on Reconsideration (filed June 15, 2012).

the renewals of, or otherwise relates to, the WCS authorizations now held by AT&T, and their October 22, 2010 Petition for Reconsideration of the conditional grant of each of the WCS authorizations now held by AT&T, and each reply they filed, with respect to the WCS authorizations now held by AT&T, to the oppositions filed to such October 22, 2010 Petition for Reconsideration; and

- e. any other Green Flag Filing contending that AT&T should not be granted renewals of the WCS authorizations now held by AT&T.

To the extent an application, pleading, petition, or filing by the Green Flag Applicants that fits within one of these four categories inadvertently was omitted from Exhibit A or Exhibit B, the Green Flag Applicants also hereby withdraw that application, pleading, petition, or filing with prejudice and seek dismissal of any such application, also with prejudice, upon FCC approval of the Agreement.<sup>4</sup>

Finally, the Parties request a waiver of the Commission's electronic filing requirement contained in Section 1.913(a)-(b) of the Commission's rules, which requires electronic filing in the Commission's Universal Licensing System ("ULS") using the forms specified for various application-related actions.<sup>5</sup> The purpose of this rule is to promote administrative efficiency.<sup>6</sup> In this case, for reasons of administrative efficiency, the Parties are filing this Request to Withdraw in letter format and via the Commission's

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<sup>4</sup> See 47 C.F.R. § 1.934(a)(1)(i) ("If the applicant requests dismissal of its application with prejudice, the Commission will dismiss that application with prejudice."). There appears to be an error in ULS with respect to the Green Flag Applicants' applications for REA003-Great Lakes. The Green Flag Applicants filed ten applications for the ten AT&T WCS licenses for that REA – eight for the C Block and two for the D Block. (The Green Flag Applicants did not file applications for the two Comcast WCS licenses for that REA, WPQL632 and WPQL633). However, ULS indicates that the Green Flag Applicants filed nine applications for the C Block and only one for the D Block. Notwithstanding this error, by withdrawing all ten applications in ULS, the Green Flag Applicants intend to withdraw, and seek dismissal, with prejudice, of all the applications they have filed for WCS C and D Block licenses in REA003.

<sup>5</sup> *Id.* § 1.913(a)-(b).

<sup>6</sup> See, e.g., *Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services*, Report and Order, 13 FCC Rcd. 21027, 21030-31 ¶¶ 2, 4 (1998) (explaining that requiring the use of ULS will increase the efficiency of the licensing application process, thereby reducing the burdens on the staff and applicants alike; speeding the deployment of service; and increasing the reliability, accuracy, and accessibility of licensing information to the public).

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Electronic Comment Filing System (“ECFS”), and not in ULS using the form specified by Section 1.913. As adhering to the rule’s prescriptions would defeat its underlying purpose, the Parties have shown good cause for waiver of this rule, and grant of this waiver request is in the public interest.<sup>7</sup>

Respectfully submitted,

/s/ Donald J. Evans

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cc: Richard Arsenault

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<sup>7</sup> See 47 C.F.R. §§ 1.3, 1.925(b)(3).

**Exhibit A**

- Applications of CWC License Holding, Inc. in ULS File Nos. 0003112570, 0003090654, 0003112573, 0003090653, 0003112496.
- Applications of Green Flag Wireless, LLC in ULS File Nos. 0003113283, 0003113284, 0003113286, 0003113289, 0003113539, 0003113541, 0003113545, 0003113400, 0003113439, 0003113461, 0003113337, 0003113463, 0003113343, 0003113345, 0003113346, 0003113280, 0003113281, 0003113282, 0003113285, 0003113287, 0003113288, 0003113290, 0003113538, 0003113540, 0003113542, 0003113543, 0003113548, 0003113544, 0003113546, 0003113547, 0003113586, 0003113746, 0003113751, 0003113763, 0003113776, 0003113787, 0003113788, 0003113794, 0003113797, 0003113804, 0003113807, 0003113398, 0003113399, 0003113401, 0003113402, 0003113403, 0003113404, 0003113405, 0003113406, 0003113407, 0003113408, 0003113356, 0003113411, 0003113313, 0003113431, 0003113338, 0003113336, 0003113441, 0003113449, 0003113452, 0003113458, 0003113339, 0003113340, 0003113341, 0003113342, 0003113344.
- Applications of James McCotter in ULS File Nos. 0003113292, 0003113210, 0003090749, 0003092274, 0003113228.
- Letter from Donald J. Evans, Attorney for Green Flag Wireless, LLC and CWC License Holding, Inc., to Marlene H. Dortch, Secretary, FCC, responding to AT&T's letter requesting the grant of its renewal applications and the dismissal of Green Flag Wireless, LLC's and CWC Wireless Holding, Inc.'s competing applications, ULS File Nos. 0003062647-0003062662 and 0003062664-0003062678 (AWACS, Inc.) and 0003063569-0003063572 and 0003063576-0003063609 (BellSouth Mobile Data, Inc.) (filed Sept. 21, 2007).
- Letter from Donald J. Evans, Attorney for Green Flag Wireless, LLC, CWC License Holding, Inc., and James McCotter, to Marlene H. Dortch, Secretary, FCC, requesting that the FCC convene a meeting to discuss the comparative renewal proceeding (filed Oct. 5, 2007).
- Letter from Donald J. Evans, Attorney for Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter, to Fred Campbell, Chief, Wireless Telecommunications Bureau, regarding pending WCS renewal applications (filed Oct. 24, 2007).
- Letter from Donald J. Evans, Attorney for Green Flag Wireless, LLC, CWC License Holding, Inc., and James McCotter, to James Schlichting, Acting Chief, Wireless Telecommunications Bureau, regarding Pending Wireless Communications Service Applications (filed Oct. 15, 2008).

- Reply Comments of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter in Docket 08-182. (filed Oct. 27, 2008).
- Comments of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter in CB Docket 08-21 (filed Mar. 2, 2009).
- Informal Objection of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter to Further Request for Extension of Time (filed July 29, 2009).
- Request of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter for Meeting with Ruth Milkman (filed Sept. 23, 2009).
- Green Flag Wireless, LLC Comment in GN Dockets 09-157 and 09-51 (filed Sept. 30, 2009).
- Letter from Donald J. Evans, Attorney for Green Flag Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, regarding Wireless Communications Service Build-Out Showings of AT&T (filed Apr. 7, 2010).
- Letter from Donald J. Evans, Attorney for Green Flag Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, regarding informal objections to substantial service notifications for licenses in the WCS filed by AWACS, Inc. and BellSouth Mobile Data, Inc., subsidiaries of AT&T Inc., ULS File Nos. 0004191836; 0004191852; 0004191864; 0004191914; 0004191942; 0004191950; 0004197549; 0004197551 (filed Apr. 12, 2010).
- *Revisions of Performance Requirements for 2.3 GHz Wireless Communications Service*, WT Dkt No. 07-293, Joint Comments of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter (filed Apr. 21, 2010).
- *Revisions of Performance Requirements for 2.3 GHz Wireless Communications Service*, WT Dkt No. 07-293, Reply to Comment of WCS Coalition of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter (filed May 3, 2010).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications*, WT Dkt No. 10-112, Comments of Green Flag Wireless,

LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. on Proposed Rules (filed Aug. 6, 2010).

- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications*, WT Dkt No. 10-112, *Ex Parte* Letter of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. (filed Aug. 11, 2010).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications*, WT Dkt No. 10-112, *Corrected Ex Parte* Letter of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. (filed Aug. 11, 2010).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications*, WT Dkt No. 10-112, *Reply Comments* of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. on Proposed Rules (filed Aug. 23, 2010).
- *Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band, Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band*, WT Dkt No. 07-293, IB Dkt No. 95-91, GEN Dkt No. 90-357, RM-8610, *Petition* of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter for Reconsideration (filed Sept. 1, 2010).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications*, WT Dkt No. 10-112, *Ex Parte* Letter of Green Flag

Wireless, LLC, CWC Wireless Holdings, Inc., James McCotter, (filed Sept. 10, 2010).

- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications*, WT Dkt No. 10-112, *Ex Parte* Letter of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. (filed Aug. 1, 2011).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications*, WT Dkt No. 10-112, *Ex Parte* Letter of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. (filed Aug. 31, 2011).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications*, WT Dkt No. 10-112, *Ex Parte* Letters of Green Flag Wireless, LLC, NTCH, Inc. (filed Nov. 29, 2011).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications, Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band*, WT Dkt Nos. 10-112 and 07-293, *Ex Parte* Letter of Green Flag Wireless, LLC, CWC Wireless Holding, Inc./Corr Investments I, LLC, James McCotter (filed Aug. 3, 2012).



**Exhibit B**

- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications*, WT Dkt No. 10-112, Petition of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. for Reconsideration (filed Aug. 6, 2010).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Imposition of a Freeze on the Filing of Competing Renewal Applications for Certain Wireless Radio Services and the Processing of Already-Filed Competing Renewal Applications*, WT Dkt No. 10-112, Consolidated Reply to Oppositions to Petition of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. for Reconsideration (filed Sept. 2, 2010).
- *Conditional Grant of Renewal Applications in the Wireless Radio Service and Personal Communication Service*, ULS File Nos. 0003063569 et al., Petition of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. for Reconsideration (filed Oct. 22, 2010).